

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Guidelines for Meeting the Socio-economic Benefit Provisions of
Regional Land Use Element Policy 3.8

**Policy
Number**

I-102

Page

1 of 4

Purpose

To establish socio-economic benefit guidelines intended for use in mobilehome parks filed pursuant to Policy 3.8 of the Regional Land Use Element.

Background

The Board of Supervisors has found that there is a public need to provide housing for low and moderate income households by permitting higher residential densities than are normally permitted by the General Plan. Such action might be the only feasible way of providing affordable low cost housing. A socio-economic benefit should result from each project that results in a density higher than shown on the adopted plan. Each socio-economic benefit statement should easily identify the amount and type of affordable housing opportunities that will be obtained by approval of such projects.

Policy

It is the intent of the County to encourage the development of housing for all economic groups in each community (Goal #6 Regional Land Use Element). To implement this goal, mobilehome park residential housing developments may be approved by a Major Use Permit pursuant to Policy 3.8 of the Regional Land Use Element when any combination of the following socio-economic benefits are offered by the applicant and accepted by the County, except that the socio-economic benefit used to justify the project with reserved units shall not be used in any Community Plan where the Fair Share Housing Goal has been met. (See Housing Element of the County General Plan for details on Fair Share Goals.)

1. That 25 percent of the bonus units in any project shall be reserved for households whose annual incomes are at or below 80 percent of the San Diego County SMSA regional median income as determined by the U.S. Department of HUD and as adjusted for family size, at an affordable rate for a period of 10 years. A socio-economic benefit may be found to exist in an offer where a reservation of less than 25 percent of affordable spaces and/or units is offered, provided that there is a corresponding decrease in the income levels of the qualified households.

2. There are other socio-economic benefits. The following illustrates some of them:

A. Rental Projects:

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BOARD OF SUPERVISORS POLICY

Subject

Guidelines for Meeting the Socio-economic Benefit Provisions of
Regional Land Use Element Policy 3.8

**Policy
Number**

I-102

Page

2 of 4

(1) Reserved spaces offered at a percent of the regional median income as determined by Housing and Urban Development for household incomes for the San Diego Metropolitan Standard Metropolitan Statistical Area and adjusted for family size; or

(2) Reserved spaces offered at a percent of the local rental rate level for the mobilehome units and spaces as determined by a comparison of rental income levels for existing mobilehome parks in the project geographic area; or

(3) Reserved spaces offered at a rental of spaces only rate of at least 50 percent of the prevailing market rate for mobilehome spaces as determined annually for the San Diego Metropolitan Area for qualified households; and/or

(4) The building of a market rate rental mobilehome park in any census tract area with a vacancy rate of less than three percent; and/or

(5) A new mobilehome rental park where the developer offers a long-term lease with residents having the option to buy their lots, at some time in the future, at a sales rate at 90 percent of the then prevailing appraised market value.

B. Sales Projects:

(1) The sale of a dwelling unit and lot to an individual whose annual income is at or below 80 percent of the San Diego County SMSA regional median income, as determined by U.S. Department of HUD, and as adjusted for family size but which sale includes the filing of a certification, in a form satisfactory to County Counsel, assuring that the household so qualified has been granted a life tenancy which allows continuous occupancy at an affordable rental rate, as defined by the County Department of Housing and Community Development; or

(2) The sale of dwelling units and lots at a total price which is affordable to a household whose income is at or below an agreed upon percent of the Regional median Income as determined by the U.S. Department of HUD for the San Diego SMSA, and adjusted for family size.

C. Relocated Units:

(1) The total number of reserved spaces for the project shall be reduced by one-third space for each relocatee who is allowed to occupy the park (e.g., 20 reserved units originally, six occupied by relocatees, total number of reserved spaces drops to 18).

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Guidelines for Meeting the Socio-economic Benefit Provisions of
Regional Land Use Element Policy 3.8

**Policy
Number**

I-102

Page

3 of 4

(2) Among relocatees, priority shall be given first to households evicted due to change of use (as defined in Section 798.10 of the California Civil Code) and secondly to those receiving a Notice of Termination pursuant in Section 798.56 (f) and (g) of the California Civil Code.

Any mobilehome park project that is proposed by a group of owner occupant(s) in which at least 25 percent of the new units will remain owner occupied when built for a period of at least five years.

In a new rental mobilehome park, the future occupants shall be given first right of refusal to buy their park when it is put up for sale, at any time in the future.

For any project wherein 100 percent of the project will be rental only, the applicant is relieved from providing any reserved units, as defined herein, provided that rental only projects remain rental only for a 10 year period.

Term: The stated benefit must remain in effect for a term of 15 years from the date of first occupancy of said reserved units. Legal assurances for administering and maintaining continuing affordability must be established through contractual agreements, deed restrictions, or similar instruments, and will be conditioned in the project Major Use Permit. A contractual agreement will be recorded against the property. Before recordation of a Final Map, or issuance of a building permit pursuant to a discretionary approval, this contractual agreement shall be recommended for approval by the San Diego County Department of HCD.

Construction Schedule: The reserved dwelling units shall be constructed concurrently with, or in advance of, the non-reserved dwelling units in a residential development. The officer or body approving the permit for the increased density may specify a schedule for the completion of the reserved dwelling units. In no event, however, should final construction approval be given for more than 75 percent of the non-reserved units until all the reserved dwelling units have received final construction approval.

Over Concentration: No socio-economic benefits can be found to exist for a project in any community for which the Fair Share Housing Goal has been met or exceeded.

Definitions:

The following definitions will be used for projects processed pursuant to these guidelines:

- Bonus Units: Dwelling units and/or spaces allowed in addition to the total number permitted by-right.

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Guidelines for Meeting the Socio-economic Benefit Provisions of
Regional Land Use Element Policy 3.8

**Policy
Number**

I-102

Page

4 of 4

- Fair Market Rent Rate: The same as provided by the U.S. Department of HUD for the San Diego SMSA adjusted for family size.

- Low-Income Households: A household having an annual income not more than 80 percent of the median household income in the County of San Diego for a given household size as determined by the U.S. Department of HUD.

- Lower-Income Household: A household which cannot obtain decent, safe and sanitary housing without assistance as determined pursuant to standards established by the Board of Supervisors.

- Median Income: The same as provided annually by the U.S. Department of HUD for the San Diego SMSA adjusted for family size.

- Moderate-Income Household: A household having an annual income greater than 80 percent, but not more than 120 percent of the median household income in the County of San Diego for a given household size as determined by the U.S. Department of HUD.

- Prevailing Market Rate: This rate is the amount found to be charged by the sample majority of existing mobilehome parks in any community.

- Qualified Household: Person or persons whose total gross household income is no greater than 80 percent of the regional median income.

- Reserved Units: A dwelling unit and/or space set aside for rental and/or sale to a qualified household.

Sunset Date

This policy will be reviewed for continuance by 12-31-10.

Board Action

12-5-84 (25)

11-26-91 (26)

9-29-92 (36)

4-14-99 (11)

06-23-04 (12)

1. Department of Planning and Land Use
2. Department of Housing and Community Development
3. County Counsel

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

**Policy
Number**

Page